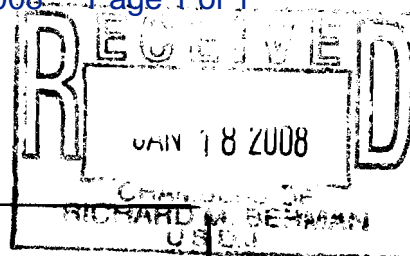


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MEMO ENDORSED



BY FEDERAL EXPRESS

Hon. Richard M. Berman
United States District Court
Southern District of New York
40 Centre Street
New York, New York 10007

January 17, 2008

Conference on 2/8/08 @ 9:15
AM

SO ORDERED:
Date: 1/18/08 Richard A. Berman
Richard M. Berman, U.S.D.J.

Re: Clifford Foster, JR. v. Hard Rock Café, Inc.
U.S.D.C., S.D.N.Y. Case No. 07 CV 11559 (RMB)


**USDC SDNY
DOCUMENT
ELECTRONICALLY FILED**
DOC #:
DATE FILED: 18 Jan. 08

Dear Judge Berman:

We represent Hard Rock Café International (USA) Inc. (sued herein as Hard Rock Café, Inc.) in connection with this matter. We write for two reasons: (1) to explain to the Court why the parties did not appear for the scheduled Rule 16 conference on January 11, 2008; and (2) to respectfully request that the conference be rescheduled. On January 2, 2008, the letter from the Court's clerk, Andrew B. Brettler, scheduling the January 11, 2008 conference, was sent to Greenberg Traurig, LLP's general facsimile number, (212) 801-6400. As a result, my colleague, Brian S. Cousin, did not receive the notice until January 11, 2008, when Mr. Brettler alerted him of the conference. Plaintiff's attorney, Louis Ginsberg, was not notified since it was our duty to communicate with him concerning the conference and we were unaware of the notice. We apologize for any inconvenience this has caused the Court.

We, therefore, respectfully request that the conference be set for February 8, 2008 at 9:15 a.m., when Mr. Brettler has indicated that your Honor is available.

Respectfully submitted,


Lauren R. Tanen (LT-7144)

Cc: Louis Ginsberg (By Federal Express)

NY 238,639,445v1 1/17/2008